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Exempt Action: Final Regulation
Agency Background Document

Agency name	Virginia Racing Commission
Virginia Administrative Code (VAC) Chapter citation(s)	11VAC10-130
VAC Chapter title(s)	Virginia Breeders Fund
Action title	Amendments to General and Thoroughbred Regulations
Final agency action date	11/18/2026
Date this document prepared	11/24/2026

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Virginia Regulatory Town Hall using this form. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the *Regulations for Filing and Publishing Agency Regulations* (1 VAC 7-10), and the *Form, Style, and Procedure Manual for Publication of Virginia Regulations.*

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The primary intention of these changes is to ensure that the current practices of the Fund as it relates to thoroughbreds are reflected in and supported by the regulations. The thoroughbred-related portions of 11VAC10-130 have not been updated since *at least* 2014, with the sole exception of a substantive definitional change in 11VAC10-130-10. And even that definitional change to “Virginia-bred Thoroughbred Horse”, which introduced a residency requirement for mares before the qualifying foals are born, did not establish essentials like how residency is determined and how the Fund is timely notified of residency. Throughout, these sections contain a number of outdated references and requirements, and do not adequately support the present-day operation of the Fund.

A secondary intention is to clarify the Commission’s governance role over the Fund. Changes to 11VAC10-130-60, regarding allocation of Funds, clarifies the Commission’s power to determine how the Fund is allocated between different categories of awardees. It establishes a schedule by which the

Commission should plan the upcoming year based on projections and estimates, which will help breeders and studs factor Virginia into their plans for the next year. It retains the Commission's authority to change those plans if necessary.

Finally, the changes seek to streamline the structure of the relevant regulations and use plain, brief language wherever possible. For example, a section that simply stated the "window" for foal and stallion registration (11VAC10-130-30) is repealed, and the relevant information has been added to the existing foal and stallion registration sections, respectively. Also, references to "certification" have been removed, as this term was never clearly defined or consistently used in the chapter; it has been replaced with the defined term, "registration", where appropriate.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 17 (2026), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part." For changes in response to federal mandates, indicate the extent of discretion related to the proposed regulatory changes, the rationale for the changes, and briefly indicate how the federal mandate aligns with the best interest of public welfare.

There is no mandate for changes. The impetus is best described as periodic review, as overall the amended and repealed sections did not fully support the modern operation of the Fund.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On Wednesday, November 18, 2026, the Virginia Racing Commission adopted final amendments to the Virginia Breeders Fund regulations at 11VAC10-130-10, -20, -30 (repeal), -40, -521, -52, and -60.